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7 NOVELLUS SYSTEMS, INC.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 EQUAL EMPLOYMENT
12 OPPORTUNITY COMMISSION,

13 Plaintiff,

14 v.

15 NOVELLUS SYSTEMS, INC.,

16 Defendant.

Case No. C07-4787 RS

**DEFENDANT'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION TO DISMISS OR,
ALTERNATIVELY, FOR A MORE
DEFINITE STATEMENT**

Date: December 12, 2007

Time: 9:30 a.m.

Courtroom: 4

Judge: Honorable Richard Seeborg

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19 Pursuant to Federal Rule of Evidence 201(b), Defendant Novellus Systems, Inc.
20 requests that this Court take judicial notice of the following:

21 1. The press release issued by Plaintiff EEOC on September 18, 2007, which is
22 attached hereto as Exhibit A.

23 Judicial notice is appropriate for a press release from a federal agency because the
24 press release is publicly available and capable of accurate and ready determination. *In re White*
25 *Elec. Designs Corp. Sec. Litig.*, 416 F.Supp.2d 754, 760-61 (D. Ariz. 2006); *In re Network Assoc.*
26 *Inc. II Sec. Litig.*, 2003 WL 24051280 at *1 (N.D. Cal. Mar. 25, 2003) (taking judicial notice of an
27 SEC press release). Novellus requests that this Court merely take notice of the document's
28 existence, not the truth or falsity of the statements contained therein. While Novellus believes that

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1 the document contains inaccurate statements, the accuracy or inaccuracy of the statements contained
2 therein are not at issue in Novellus' Motion to Dismiss.

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4 Dated: November 13, 2007

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6 /s/
JOHN C. KLOOSTERMAN
7 LITTLER MENDELSON
A Professional Corporation
8 Attorneys for Defendant
NOVELLUS SYSTEMS, INC.